

4356. Misbranding of "Root Juice Compound." U. S. v. 72 Bottles "Root Juice Compound." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5903. I. S. No. 15061-h. S. No. E-89.)

On September 9, 1914, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 72 bottles of "Root Juice Compound," remaining unsold in the original unbroken packages at Columbus, Ga., alleging that the article had been shipped on or about April 10, 1914, and transported from the State of Indiana into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled, in part: (On shipping case) "Root Juice Compound." (On bottle) "Improved Formula Root Juice Compound. Alcohol 20%. A Blood Purifying System Tonic. Guaranteed by Root Juice Medicine Co. under the Pure Food and Drugs Act, June 30, 1906. Serial No. 800-A. Directions: Shake the bottle. Adults: Take one tablespoonful before each meal. Children over 5 years may take one teaspoonful before each meal. Important: For full particulars concerning the use of this medicine, read the enclosed circular carefully. Distributed only by Root Juice Medicine Co., Fort Wayne, Ind., U. S. A." (On carton) "Indicated in cases of * * * muscular weakness, loss of energy." (In circular) "Blood Purifying System Tonic For Functional Disturbances of Stomach, Liver, Kidneys and Bowels caused by run-down, over worked or nerve-strained conditions and indicated in cases of * * * muscular weakness, loss of energy and similar complaints due to * * * other impurities in the blood." "The splendid result to be obtained from the use of Root Juice Compound is due not only to the remarkable efficiency of its ingredients but also to the scientific skill with which they are proportioned and combined." "A short treatment with Root Juice Compound in tablespoonful doses before each meal will not only promote the healthy action of the liver and bowels but will purify the blood, strengthen and build up the system. The results from its use will be curative and lasting * * *." "Root Juice by its tonic action upon the stomach, improves digestion, causes the blood to be properly nourished and purified, relieves the strain upon the kidneys and gives nature a chance to restore their normal conditions. Moreover Root Juice has direct action upon the kidneys, strengthening and toning the entire urinary tract." "It will build you up, increase your energy, vim and vitality. It is a splendid tonic for young or old and unequalled as a spring cleanser and purifier. It is an admirable family medicine tonic and restorative."

Misbranding of the article was alleged in the libel for the reason that it contained no ingredients or combination of ingredients capable of producing the therapeutic effects claimed by the statements hereinbefore set out, appearing upon the cartons, bottles, and circulars, and for the further reason that said statements were false, misleading, and fraudulent. Misbranding was alleged for the further reason that the label declared the article to contain 20 per cent alcohol, which was false and misleading, because it did not contain 20 per cent alcohol but contained only 12.72 per cent, and further, for the reason that the labels announced the preparation as being "Root Juice Compound," and referred to the same throughout the circular as "Root Juice," whereas, in truth and in fact, it was not a root juice, and the said name "Root Juice" was false and misleading.

On December 10, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

4357. Misbranding of "Black's Pulmonic Syrup." U. S. v. William F. Black and W. Harry Martin (Black Distributing Agency.) Pleas of guilty. Fine, \$300 and costs. (F. & D. No. 5909. I S. No. 8230-e.)

On December 21, 1914, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William F. Black and W. Harry Martin, trading under the firm name of the Black Distributing Agency, Nashville, Tenn., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about February 26, 1913, from the State of Tennessee into the State of Kentucky, of a quantity of "Black's Pulmonic Syrup," which was misbranded. The article was labeled: (On bottle) "Black's Pulmonic Syrup The New Remedy for Tuberculosis and Bronchitis. Contains 20% of Alcohol by volume. Compounded by W. F. Black, M. D., Birmingham, Alabama."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a hydroalcoholic solution of ichthyol, glycerin, and sugar; alcohol 15.2 per cent by volume.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, "Black's Pulmonic Syrup. The New Remedy for Tuberculosis and Bronchitis," were false and fraudulent in that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective as a remedy for tuberculosis and bronchitis, when, in truth and in fact, it was not so composed, and did not contain such ingredients or medicinal agents. Misbranding was alleged for the further reason that the following statement "Contains 20% of alcohol," appearing on the label, was false and misleading, in that it indicated to purchasers thereof that the article contained 20 per cent of alcohol, when, in truth and in fact, it contained a less amount of alcohol, to wit, 15.2 per cent.

On October 4, 1915, the defendants entered pleas of guilty to the information, and the court thereupon imposed upon the defendant Black a fine of \$200, and upon the defendant Martin a fine of \$100, with costs to be paid by both defendants.

C. F. MARVIN, *Acting Secretary of Agriculture.*